

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #11	CCRB Case #: 201900620	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/22/2019 11:31 AM	Location of Incident: § 87(2)(b) 33rd Precinct stationhouse	Precinct: 33	18 Mo. SOL 7/22/2020	EO SOL 3/8/2021	
Date/Time CV Reported Tue, 01/22/2019 12:18 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/22/2019 12:18 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Amaury Tineo	29103	951337	033 PCT
2. SGT Jefferson Burgos	03248	948716	033 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Amaury Tineo	Discourtesy: At § 87(2)(b) in Manhattan, Police Officer Amaury Tineo spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Amaury Tineo	Abuse: At § 87(2)(b) in Manhattan, Police Officer Amaury Tineo refused to provide his name to § 87(2)(b)	§ 87(2)(b)
C.POM Amaury Tineo	Abuse: At § 87(2)(b) in Manhattan, Police Officer Amaury Tineo refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
D.POM Amaury Tineo	Abuse: At the 33rd Precinct stationhouse, Police Officer Amaury Tineo interfered with § 87(2)(b) use of a recording device.	§ 87(2)(b)
E.SGT Jefferson Burgos	Abuse: At the 33rd Precinct stationhouse, Sergeant Jefferson Burgos did not process § 87(2)(b)'s complaint regarding an officer.	§ 87(2)(b)
F.POM Amaury Tineo	Abuse: At the 33rd Precinct stationhouse, Police Officer Amaury Tineo threatened to issue summonses to § 87(2)(b)	§ 87(2)(b)

### Case Summary

On January 22, 2019, § 87(2)(b) called the CCRB to file this complaint.

On January 22, 2019, at approximately 11:31 a.m., § 87(2)(b) was seated in his vehicle, which he parked in a bicycle lane in front of § 87(2)(b) in Manhattan. PO Amaury Tineo of the 33<sup>rd</sup> Precinct approached § 87(2)(b) and informed him that he would issue him a summons. § 87(2)(b) interacted further with PO Tineo, who used profanity towards him (**Allegation A -Discourtesy: Word,** § 87(2)(f) § 87(2)(b) requested PO Tineo's name and shield number or business card, and PO Tineo instructed him to obtain the information "at the precinct" (**Allegation B -Abuse of Authority: Refusal to provide name,** § 87(2)(g) (**Allegation C -Abuse of Authority: Refusal to provide shield number,** § 87(2)(g) § 87(2)(b) went to the 33<sup>rd</sup> Precinct stationhouse, to where PO Tineo followed him and issued him a summons for § 87(2)(b) (Board Review 01). § 87(2)(b) entered the stationhouse with his phone and recorded footage of the incident. PO Tineo informed § 87(2)(b) that he was not permitted to record footage inside the stationhouse, and § 87(2)(b) ceased recording (**Allegation D -Abuse of Authority: Interference with recording,** § 87(2)(g)

§ 87(2)(b) told Sgt. Jefferson Burgos of the 33<sup>rd</sup> Precinct that he wished to file a complaint against an officer and requested a complaint form. Sgt. Burgos instructed him to obtain the CCRB's telephone number from the poster on the wall (**Allegation E -Abuse of Authority: Refusal to process civilian complaint,** § 87(2)(g) PO Tineo told § 87(2)(b) that he would issue summonses to him every time he saw him in the future (**Allegation F -Abuse of Authority: Threat of summons,** § 87(2)(g)

§ 87(2)(b) recorded footage of the incident on his cell phone and provided this footage to the CCRB.

### Findings and Recommendations

**Allegation (A) Discourtesy: At § 87(2)(b) in Manhattan, Police Officer Amaury Tineo spoke discourteously to § 87(2)(b)**

**Allegation (B) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Amaury Tineo refused to provide his name to § 87(2)(b)**

**Allegation (C) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Amaury Tineo refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) stated to the CCRB (Board Review 02) that when PO Tineo informed him that he would issue him a summons, § 87(2)(b) requested that PO Tineo also issue summonses to other vehicles parked in the bicycle lane. PO Tineo responded to § 87(2)(b) telling him that he frequently parked in the "fucking street" and that his behavior was that of a "fucking street lawyer." § 87(2)(b) requested that PO Tineo provide either his name and shield number or business card. PO Tineo grabbed hold of his name plate and shield in a manner § 87(2)(b) thought was intended to obstruct his view of them, and PO Tineo instructed § 87(2)(b) to obtain this information at the "fucking precinct." § 87(2)(b) prepared to drive approximately one half block to the 33<sup>rd</sup> Precinct stationhouse and again requested PO Tineo's name and shield number. PO Tineo again instructed § 87(2)(b) to obtain the information at the stationhouse.

PO Tineo stated to the CCRB (Board Review 03) that he “might have” used the term “street lawyer” when speaking with § 87(2)(b) did not recall doing so, and did not recall calling § 87(2)(b) a “fucking street lawyer.” § 87(2)(b) requested PO Tineo’s name and shield number, and PO Tineo replied, “All I’m asking you is not to park in the bike lane” and walked away from him. When PO Tineo returned, § 87(2)(b) requested this information again, and PO Tineo said, “It’s right here” and held his name plate and shield to face § 87(2)(b) who was approximately two to three feet from him. PO Tineo did not recall instructing § 87(2)(b) to obtain his name and shield number from the “fucking precinct,” whether using profanity or not. PO Tineo did not recall § 87(2)(b) requesting his name and shield number after this.

Sgt. Burgos stated to the CCRB (Board Review 04) that he did not witness this aspect of the incident.

In a 14-second portion of video footage that § 87(2)(b) recorded from the front driver side seat of his vehicle during the incident (Board Review 05), PO Tineo can be seen walking on the passenger side of § 87(2)(b) vehicle towards its front, where he stops at his vehicle, unobstructed from view and less than one car length in front of § 87(2)(b) vehicle. As PO Tineo walks, § 87(2)(b) says through the open front passenger side door window, “Again, one more time. Can I have your name and your badge number, please?” PO Tineo turns to face § 87(2)(b) gestures towards him with his hand, and says something that appears to end in the word, “precinct.” § 87(2)(b) replies, “I’m going to the precinct. Come on. Let’s go.”

§ 87(2)(g)

An officer must clearly state his or her name and shield number or otherwise provide this information to anyone who requests this information. NYPD Patrol Guide Procedure 203-09 (Board Review 06).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Abuse of Authority: At the 33<sup>rd</sup> Precinct stationhouse, Police Officer Amaury Tineo interfered with § 87(2)(b) use of a recording device.**

**Allegation (E) Abuse of Authority: At the 33<sup>rd</sup> Precinct stationhouse, Sergeant Jefferson Burgos did not process § 87(2)(b) s complaint regarding an officer.**

**Allegation (F) Abuse of Authority: At the 33<sup>rd</sup> Precinct stationhouse, Police Officer Amaury Tineo threatened to issue summonses to § 87(2)(b)**

It is undisputed that PO Tineo informed § 87(2)(b) that he was not permitted to record footage within the stationhouse and attempted to grab hold of his cell phone.

§ 87(2)(b) stated that he informed Sgt. Burgos that he wished to file a complaint against an officer, and Sgt. Burgos said, “We don’t take complaints here.” § 87(2)(b) informed him that he had wished to file a complaint in the past and that a supervisor “rectified” his problem for him. PO Tineo told § 87(2)(b) that he would issue a summons to him “anywhere he sees [him].”

PO Tineo stated he did not recall making any statement to § 87(2)(b) regarding the issuance of summonses in the future. PO Tineo heard § 87(2)(b) inform Sgt. Burgos that he wished to file a complaint against an officer and did not recall hearing Sgt. Burgos reply or state that officers do not take complaints at the stationhouse.

Sgt. Burgos stated that after he provided § 87(2)(b) with PO Tineo’s business card, he informed him that if he wished to file a complaint against PO Tineo, he could do so by filing it at the stationhouse, by sending an email, by calling 311, by mailing a letter, or by following the procedure noted on a printed material posted on a board inside the stationhouse. § 87(2)(b) told Sgt. Burgos that he had filed complaints in the past and preferred to file a complaint in person because he would be required to appear for an interview anyway.

In a portion of video footage recorded by § 87(2)(b) (Board Review 07), he enters the stationhouse, and PO Tineo informs him that he may not record in the stationhouse. PO Tineo instructs § 87(2)(b) to “shut it off” five times and moves towards him. § 87(2)(b) says, “Don’t touch my phone. Don’t touch me.” A uniformed female tells § 87(2)(b) something to the extent of, “You can’t have no phones in here.” § 87(2)(b) says, “Okay. My fault,” and the footage ends.

Members of the public are not allowed to photograph and/or record police activity within Department facilities, and officers may order members of the public who do so to stop such activity. NYPD Patrol Guide Procedure 203-29 (Board Review 08).

§ 87(2)(g)

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to one prior CCRB complaint and has been named as a victim in one allegation (Board Review 09):  
q § 87(2)(b)
- PO Tineo has been a member-of-service for seven years and has been a subject in one CCRB complaint and two allegations, neither of which was substantiated.
- Sgt. Burgos has been a member-of-service for eight years and has been a subject in one CCRB complaint and one allegation, which was not substantiated.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- On March 26, 2019, a Notice of Claim inquiry was sent to the New York City Comptroller's Office, and the results will be added to the case file upon receipt (Board Review 10).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date